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Justice for the trial and punishment of acts committed in the future which may disturb the public order and constitute breaches of international law. The violation of Belgian neutrality and offenses alleged to have been committed by Germany in the World War are of the kind that would be laid before such a tribunal, which is to consist of one representative of each of the nations.

Finally, the Advisory Committee expressed the hope that the Hague Academy of International Law and Political Sciences, established in 1913, and which was to have opened in the month of August, 1914, may begin its labors in the Peace Palace at The Hague alongside of the Permanent Court of Arbitration of The Hague, and the Permanent Court of International Justice to be located at The Hague.

The establishment of the court depends upon the concurrent action of the Assembly and the Council of the League of Nations. If the League should not establish it, or if having created it the League should itself go out of existence, will the court fail? Not if the nations wish to preserve it. They need only accept the unanimous recommendation of the Advisory Committee, call a conference for the advancement of international law, invest the diplomatic corps at The Hague with the powers of the Assembly in so far as the court is concerned, invest an executive committee of the diplomatic corps at The Hague with the powers of the Council. It seems therefore safe to prophesy that whether the League succeeds or whether it fails, the Society of Nations will have a Permanent Court of International Justice, "accessible to all and in the midst of the independent Powers," to quote the memorable language of the preamble to the Pacific Settlement Conventions of the First and Second Peace Conferences at The Hague, which will be, it is hoped, but two links in an ever-lengthening chain by which the nations shall be bound together in justice.

JAMES BROWN SCOTT.

HONORABLE ELIHU ROOT'S LONDON ADDRESS ON ABRAHAM LINCOLN

On August 28, 1920, Mr. Elihu Root presented on behalf of the American people a statue of Abraham Lincoln to the British people to stand in the Canning enclosure in the City of London, within a stone's throw of the Houses of Parliament where the liberty of Eng-

land and America was made, and the forms of representative government devised to make that liberty effective, and within a stone's throw of Westminster Abbey, "where sleep the great of Britain's history," who made that liberty universal and made that history the noblest of the modern world.

No man could be more un-English in outward appearance. No man was more English in qualities of mind and soul, and no man has carried to further completion the conception that liberty is not the privilege of a few or the prerogative of a race, but the inherent and inalienable right of mankind. "He was imbued," Mr. Root finely said, "with the conceptions of justice and liberty that the people of Britain had been working out in struggle and sacrifice since before Magna Charta—the conceptions for which Chatham and Burke and Franklin and Washington stood together, a century and a half ago, when the battle for British liberty was fought and won for Britain as well as for America on the other side of the Atlantic. These conceptions of justice and liberty have been the formative power that has brought all America, from the Atlantic to the Pacific, to order its life according to the course of the common law, to assert its popular sovereignty through representative government—Britain's great gift to the political science of the world—and to establish the relation of individual citizenship to the State, on the basis of inalienable rights which governments are established to secure."

Herein Mr. Root finds the unity of Great Britain and the United States in the things that matter, the oneness in heart and soul, and the guaranty that in great crises they will be found shoulder to shoulder as in the great days of the World War which are still with us.

"It is the identity of these fundamental conceptions in both countries which makes it impossible that in any great world emergency Britain and America can be on opposing sides. These conceptions of justice and liberty are the breath of life for both. While they prevail both nations will endure; if they perish both nations will die."

Lincoln had never set foot on English soil. Politically, he was not of them; morally he was; and he knew them as only men of the same flesh and blood, of the same speech and ideals, instinctively feel and know and are drawn to each other. The emancipation of the slaves turned the tide of battle at home and changed the current of feeling in England. The common people felt the strong arm of the common leader press heavily upon their shoulders. The common

people of the North responded with victories in the field, the common people of England with sympathy that withstood the test of starvation. Cotton was dethroned as king and free labor came into its own in England just as the final battle of political liberty was won upon American fields. The United States needed the support of England; President Lincoln wished also the sympathy of England. He was anxious to have the cause of the North laid before the people of England as a moral cause, assured that it would triumph, whereas as a political cause it might fail. He therefore drafted with his own hand the form of resolution which he hoped to see adopted by public meetings in England. This is the form of one sent by Charles Sumner to John Bright, for Lincoln did not communicate directly with that sturdy champion of a nation's cause:

Whereas, while *heretofore*, States, and Nations, have tolerated slavery, *recently*, for the first time in the world, an attempt has been made to construct a new nation, upon the basis of, and with the primary, and fundamental object to maintain, enlarge, and perpetuate human slavery, therefore,

Resolved, That no such embryo State should ever be recognized by, or admitted into, the family of Christian and civilized nations; and that all Christian and civilized men everywhere should, by all lawful means, resist to the utmost, such recognition or admission.

Mr. Root singles out the great response of six thousand people of Manchester to which he quotes Lincoln's reply, stating, as it does, a hope and more than a hope, for it voices the determination of one of them, that the English-thinking peoples on both sides of the Atlantic shall always live in peace and friendship.

"Under these circumstances," that great President said who preserved the republic that Washington made, "I cannot but regard your decisive utterances upon the question as an instance of sublime Christian heroism, which has not been surpassed in any age or in any country. It is indeed an energetic and reinspiring assurance of the inherent power of truth, and the ultimate and universal triumph of justice, humanity, and freedom. I do not doubt that the sentiments you have expressed will be sustained by your great nation, and on the other hand I have no hesitation in assuring you that they will excite admiration, esteem, and the most reciprocal feelings of friendship among the American people. I hail this interchange of sentiment, therefore, as an augury, that, whatever else may happen, whatever misfortune may befall your country or my own, the peace and

friendship which now exists between the two nations will be, as it shall be my desire to make them, perpetual."

So may it ever be.

If Lincoln stands in the very heart of London as representing aright the American to the British people, is it not time that a monument should stand in the city of Washington and of Lincoln which will represent aright the British to the American people?

A British Ambassador to the United States said some years ago that the novelty attendant upon the unveiling of monuments erected in the United States to onetime enemies of his country was quite worn off, and that he looked forward to a happier day when one of his successors, more fortunate than he, might be called upon to speak at the unveiling of a monument to an Englishman whose memory was cherished in America. Mr. Root has mentioned two in the course of his Lincoln speech, Chatham and Burke. They and their services to America, and therefore to British liberty, are known to every schoolboy. How often have we heard young America declaim Lord Chatham's impassioned burst that "If I were an American as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms, never! never! never!" Who among us has not quoted some time or other Burke's concession to the Colonists. "My vigor relents,—I pardon something to the spirit of liberty." And it was Burke who confessed in this same speech on conciliation of America that "I do not know the method of drawing up an indictment against a whole people."

More than one city in this goodly land bears the name of Camden for his Lordship's advocacy of the American cause. And what of Colonel Isaac Barré, wounded with Wolfe at Quebec, whose characterization of the Colonists as "Sons of Liberty" ran like wildfire throughout the country, and whose name survives in Wilkesbarre?

And what of Charles James Fox, who acclaimed American courage at Bunker Hill and who took the buff and blue of Washington's uniform for the colors of the Whig Party?

A monument to Chatham, surrounded by these noble defenders of a just and victorious cause, would fitly stand in the City of Washington in Jackson Square where America has honored other servants of liberty.

And what of John Bright, who stood by Lincoln and human freedom and American Unity during the dark days of the Civil War?

Read what he thought of Lincoln: "I will not write an eulogy on the character of President Lincoln—there will be many to do that now that he is dead. *I have spoken of him when living.* . . . In him I have observed a singular resolution honestly to do his duty, a great courage—shown in the fact that in his speeches and writings, no word of passion, or of panic, or of ill-will, has ever escaped him—a great gentleness of temper and nobleness of soul, proved by the absence of irritation and menace under circumstances of the most desperate provocation, and a pity and mercifulness to his enemies which seemed drawn as from the very fount of Christian charity and love. His *simplicity* for a time did much to hide his *greatness,* but all good men everywhere will mourn for him, and history will place him high among the best and noblest of men."

And for the same John Bright, Lincoln, the President of a grateful people, exercised the sovereign power of pardon:

Whereas one Alfred Rubery was convicted on or about the twelfth day of October, 1863, in the Circuit Court of the United States for the District of California, of engaging in, and giving aid and comfort to the existing rebellion against the Government of this country, and sentenced to ten years' imprisonment, and to pay a fine of ten thousand dollars;

And whereas, the said Alfred Rubery is of the immature age of twenty years, and of highly respectable parentage;

And whereas, the said Alfred Rubery is a subject of Great Britain, and his pardon is desired by John Bright, of England;

Now, therefore, be it known that I, Abraham Lincoln, President of the United States of America, these and divers other considerations me thereunto moving, and especially as a public mark of the esteem held by the United States of America for the high character and steady friendship of the said John Bright, do hereby grant a pardon to the said Alfred Rubery, the same to begin and take effect on the twentieth day of January, 1864, on condition that he leave the country within thirty days from and after that date.

There is nothing like this in American history, and there was nothing like John Bright in British history.

The last sight that an American sees in leaving the Port of New York and the first that gladdens his wistful eyes as he returns from foreign parts is the noble statue of Liberty which France presented to America.

Would not the people of America welcome the friends of the American Revolution whose memory they have cherished for the past hundred and fifty years? Would they not receive with open arms the

friend of Lincoln? And would not this exchange bind together America and England, not by hooks of steel which are weak, but by bonds of sympathy which are unbreakable?

JAMES BROWN SCOTT.

THE INSTITUTE OF INTERNATIONAL LAW

In the early days of August, 1913, the Institute of International Law met in the city of Oxford and celebrated the fortieth anniversary of its existence, little dreaming that a year later its membership would be divided by war into two enemy groups. Little also did the members dream that their next meeting would be held during a peace conference composed of representatives of twenty-three Powers, among them the United States of America, in the city of Paris, to impose terms upon the great Power that was the Empire and now is the Republic of Germany.

At the Oxford session, Munich was chosen for the session of 1914, and preparations were well under way for the opening of that session on the 18th day of September of that memorable year. Dr. Harburger, Counsellor of the Supreme Court of Bavaria and professor in the University of Munich, was to preside at the session. The meeting did not take place, and Dr. Harburger, in company with a number of other distinguished members and associates, has passed away.

The statutes provide that there shall be a session at least every two years. They did not contemplate or foresee such a situation as that created by the World War, as almost five years had passed since the Oxford meeting. It appeared to members and associates living in Paris and others temporarily in Paris in attendance upon the Peace Conference that a meeting should be held before the ranks of the Institute had been further depleted, and steps taken to complete its membership, although some of the members could never be replaced, such as Dr. von Bar of Germany and Professor Renault of France.

The members and associates in Paris and Mr. Albéric Rolin, the Secretary-General, who chanced to be in Paris, met to canvass the situation. This informal meeting was attended by eighteen members and associates under the presidency of Sir Thomas Barclay, vice-president, and since the death of Dr. Harburger, acting president. After a second informal meeting to discuss the proper procedure to